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COMMITTEE ON THE RIGHTS OF THE CHILD

Twentieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

2. Concluding observations: BELIZE

1. The Committee considered the initial report of Belize (CRC/C/3/Add.46) at its 511th to 513th meetings (CRC/C/SR.511-513) on 14 and 15 January 1999, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/BELI.1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

3. The Committee notes the recent efforts undertaken by the State party in the field of law reform. In this regard, it takes note of the enactment of the Families and Children's Act of 1998 which aimed at reforming and consolidating the law relating to families and children and providing for the care, protection and maintenance of children. The Act also makes provisions with respect to the fostering and adoption of children.

* At the 531st meeting, held on 29 January 1999.

4. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the organization of an election for schoolchildren to choose the provisions of the Convention most significant to them, as well as the State party's use of appropriate materials and popular oral forms in disseminating the provisions and principles of the Convention. The Committee also notes the establishment of a school nutrition programme for primary schoolchildren.

5. The Committee notes with appreciation the efforts by the State party to strengthen cooperation with NGOs and welcomes the recent appointment of a focal point for NGOs within the Ministry of Human Development, Women and Youth. The Committee also notes the inclusion of NGOs in the National Committee for Families and Children, which has responsibility for promoting the implementation of the Convention; promoting improved coordination, planning and implementation of child-related programmes; and advocating for the adoption and implementation of positive policies for families and children.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources, compounded by the high rate of emigration, also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

7. The Committee notes the recent efforts by the State party to introduce legislative reform. It is concerned, however, that domestic legislation still does not fully reflect the principles and provisions of the Convention. The Committee recommends that the State party undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention. The Committee also encourages the State party to consider the possibility of enacting a comprehensive code for children. In this regard, the Committee further recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights.

8. The Committee regrets that the State party has not acceded to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee notes that these two international human rights instruments would strengthen the efforts of the State party to meet its obligations in guaranteeing the rights of all children under its jurisdiction. The Committee encourages the State party to consider the possibility of acceding to both instruments.

9. While noting the efforts of the National Committee for Families and Children in facilitating the coordination and monitoring of child rights issues, the Committee is concerned that involvement and coordination at the local level are still somewhat limited. The Committee is also concerned that the State party has not yet implemented its National Plan of Action for Children or its National Plan of Action for Human Development. The Committee recommends that the State party seek to use a comprehensive approach to the implementation of the Convention by, inter alia, ensuring the introduction of measures at the local level to promote and protect children's rights. The Committee also recommends that further steps be taken by the State party to strengthen its coordinating efforts through the National Committee for Families and Children, particularly at the local level. The Committee also encourages the State party to implement its National Plan of Action for Children and the National Plan of Action for Human Development.

10. The Committee notes the recent formation of a Social Indicators Committee responsible for monitoring quality data collection throughout the State party and ensuring its comprehensive analysis. The Committee is still concerned, however, that the current data-collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum-seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock; sexually abused children; and institutionalized children.

11. The Committee also expresses concern at the absence of an independent mechanism to register and address complaints from children concerning violations of their rights under the Convention. The Committee suggests that an independent child-friendly mechanism be made accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations. The Committee further suggests that the State party undertake an awareness-raising campaign to facilitate the effective use by children of such a mechanism.

12. The Committee notes the impact of economic policies and the structural adjustment programme which have had adverse effects on social investment. The Committee remains concerned, in the light of article 4 of the Convention, that not enough attention has been paid to allocating budgetary resources in favour of children to the maximum extent of available resources. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation

of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

13. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, particularly within the primary school system, the Committee remains concerned that professional groups, children not regularly enrolled in school and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available, including through popular oral forms, in all minority and indigenous languages. The Committee further recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local administration, and personnel of child-care institutions. The Committee encourages the State party also to pursue measures to raise the awareness of the media and the public at large concerning the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and UNESCO.

14. The Committee expresses concern at the low minimum legal age for marriage. The Committee is also concerned that the law does not allow children, particularly adolescents, to seek medical or legal counselling without parental consent, even when it is in the best interests of the child. The Committee notes with concern that domestic legislation does not provide a legal minimum age for conscription into the armed forces. The Committee is concerned at the proposal of the State party to establish 16 years as the legal minimum age for conscription. The Committee recommends that the State party review its legislation in order to bring it into conformity with the provisions of the Convention. The Committee further encourages the State party to set a legal minimum age for conscription and to set that age at 18 years, rather than 16 years.

15. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated into all legal revisions, as well as into judicial and administrative decisions and projects, programmes and services which have an impact on children.

16. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution and in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum-seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock and institutionalized children. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

17. While the Committee notes the efforts made by the State party to encourage the participatory rights of children, especially in schools, it is concerned that traditional practices, culture and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family and the care and judicial systems.

18. The Committee notes that the State party has enacted domestic legislation to guarantee registration at birth (the Registration of Births and Deaths Act), but is concerned that this legislation is not fully consistent with the principles and provisions guaranteed under the Convention. The Committee is also concerned that many children are still not registered, particularly immigrant children and those living in remote rural communities. The lack of awareness about registration procedures is also a matter of concern for the Committee. In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party undertake legislative reform with a view to ensuring that fathers are also made responsible for the registration of their children and that children born out of wedlock are guaranteed their right to preservation of identity, name and family relations. The Committee also recommends that all necessary measures be taken to ensure that birth registration is made accessible to all children within the State party. In this regard, the Committee suggests that the State party seek to implement, at the earliest opportunity, its proposal to introduce a mobile birth registration programme, as well as additional district facilities to reach those families in remote rural communities. The Committee also recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee encourages the State party to adopt measures to regularize the situation of immigrant children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

19. The Committee expresses grave concern that corporal punishment is still widely practised within the State party and that domestic legislation does not prohibit its use within schools, the family, the juvenile justice and

alternative care systems and generally within the society. In this regard, the Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within the society. It further suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28.2.

20. The Committee notes the proposal of the State party to introduce a community and parent empowerment project aimed at assisting parents in managing their parental responsibilities and strengthening their parenting skills. The Committee remains concerned, however, at the large and increasing number of single-parent families, as well as the high number of abandoned children, especially children born out of wedlock, children of poor families, and children whose parents have left the country in search of economic opportunities. In this regard, the Committee also expresses concern at the lack of adequate alternative care facilities and qualified personnel in this field. The Committee recommends that the State party increase its efforts in providing support, including training, for parents, especially fathers, to discourage the abandonment of children. It is also recommended that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions.

21. While noting the legal provisions regarding domestic and intercountry adoption, the Committee remains concerned at the widespread practice of informal adoptions, especially in rural areas. In the light of article 21 of the Convention, the Committee recommends that the State party take all necessary measures, including the implementation of proper monitoring procedures, to prevent abuse of the practice of informal adoption. In this regard, the Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

22. The Committee notes the proposals of the State party to host a consultation on domestic violence and to introduce, within the police department, a new unit to deal specifically with domestic violence. However, the lack of awareness and information on domestic violence, ill-treatment and abuse of children, including sexual abuse, and the lack of appropriate financial and human resources remain matters of grave concern. The Committee is particularly concerned that domestic legislation on sexual abuse does not include protective measures for boys. In the light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate measures and policies and contribute to changing traditional attitudes. It also recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, that sanctions be applied to perpetrators and publicity given to decisions taken in such cases, with due regard for the right to privacy of the child. Measures should also be taken to ensure the physical and psychological

recovery and social reintegration of victims, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee also recommends that the State party implement its proposal to introduce legislation making the reporting of child abuse mandatory and to undertake legal reform to ensure that boys are protected. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF.

23. The Committee expresses its concern at the lack of policies and programmes aimed at mother and child interaction activities within the home to promote leisure and creative play for children, particularly those under the age of two years. The Committee notes that such activities have a crucial bearing on the development of the child's cognitive abilities and their social and emotional development. In light of article 31 of the Convention, the Committee recommends that the State party undertake studies on play involving mother and child interaction with a view to developing adequate programmes and policies in this regard.

24. The Committee notes with concern the health situation of children in the State party and is particularly concerned at the high child and infant mortality rates, poor breastfeeding practices, the high rate of malnutrition, the increasing incidence of stunting and limited access to safe drinking water, especially in rural communities. The Committee encourages the State party to develop comprehensive policies and programmes to reduce the incidence of child and infant mortality, to promote and improve breastfeeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and to consider requesting technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and WHO.

25. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned at the high and increasing incidence of teenage pregnancy, HIV/AIDS and sexually transmitted diseases (STDs). The Committee recommends that the State party increase its efforts in promoting adolescent health policies and strengthening reproductive health education and counselling services. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents.

26. The Committee notes the recent initiative by the State party to include children with disabilities in the primary school system. In this regard, the Committee further notes the recent introduction of a family/community-based approach to care programmes for children with disabilities. The Committee expresses its concern, however, at the absence of legal protection and the lack of adequate facilities and services for persons with disabilities, including children. In the light of the Standard Rules on the Equalization

of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee also recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

27. The Committee remains concerned at the situation of education, particularly as regards overcrowding, the high drop-out rate, the lack of basic training materials, poorly maintained infrastructure and equipment, shortages of textbooks and other materials, the limited number of trained teachers and the lack of play space and recreational facilities. The Committee is also concerned that some children, particularly immigrant children and those living in poverty and among minority and indigenous communities, still do not have access to education. The Committee expresses further concern that the school curricula do not adequately address the special situation of non-English-speaking children, particularly the minority indigenous and Spanish-speaking children. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this regard, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The Committee also recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education. The Committee further recommends that the State party seek to ensure the right of the child to rest and leisure and to engage in play and recreational activities. The State party is further encouraged to review its educational policies and programmes with a view to ensuring that they adequately reflect the cultural and ethnic diversity of the population.

28. Child labour and economic exploitation are matters of concern, particularly the situation of immigrant children working in the banana industry. The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation. In this regard, it is further recommended that the State party undertake a study on the situation of children engaged in hazardous work, especially those employed in the banana industry. The Committee also suggests that the State party consider ratifying ILO Convention (No. 138) concerning Minimum Age for Admission to Employment.

29. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited social and medical programmes and services available in this regard. In the light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances, and to prevent the use of children in the illicit production and trafficking of such substances.

It encourages the State party to support rehabilitation programmes dealing with child victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the International Narcotics Control Board of the United Nations.

30. While the Committee notes that the State party has in place domestic legislation relating to juvenile justice, it is still concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as other relevant United Nations standards. The Committee is also concerned at the absence of specific legal provisions for children to remain in contact with their families while in the juvenile justice system. Further concern is expressed at the situation of overcrowding in detention facilities; the holding of minors in adult detention facilities; and the lack of reliable statistical data on the number of children in the juvenile justice system. The Committee also expresses grave concern at the low minimum legal age of criminal responsibility. The Committee recommends that the State party take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to protecting the rights of children deprived of their liberty and to ensuring that children remain in contact with their families while in the juvenile justice system. Training programmes on relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee suggests that the State party consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice. The Committee also recommends that the State party increase the legal minimum age of criminal responsibility and ensure that its legislation is in conformity with the Convention in this regard.

31. Lastly, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.